

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5360

AN ORDINANCE amending the provisions of Bellevue City Code Chapter 4.36, appointing the City Clerk as the agent to receive claims for damages, identifying the address and hours where the City Clerk may be reached for such purposes, amending requirements for the content of the claim and verification, and establishing the time period in which claims must be filed.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 4.36.010 is hereby amended to read as follows:

4.36.010 Place for filing claims.

Claims for damages against the city shall be filed with the city clerk, who is hereby appointed the City's agent to receive claims. The city clerk's office is located at Bellevue City Hall, 11511 Main Street, Bellevue, Washington. The clerk's office is open to the public Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. except holidays. The city clerk shall immediately forward copies of such claims to the city attorney and to the city's risk manager.

Section 2. Bellevue City Code Section 4.36.020 is hereby amended to read as follows:

All such claims for damages must accurately locate and describe the conduct and circumstances that caused the injury or damage, reasonably describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, state the amount of damages claimed, state the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose, and be verified by the claimant. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented and filed of behalf of the claimant by any relative, attorney, or agent authorized to represent the claimant.

Section 3. Bellevue City Code Section 4.36.050 is hereby amended to read as follows:

4.36.050 Filing claim with city clerk mandatory.

No action shall be maintained against the city for damages arising out of tortious conduct until sixty days have elapsed after a claim has first been presented to and filed with the city clerk. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, except that such period of limitations within which an action must be commenced shall be tolled during the sixty-day period after a claim has been presented and filed with the city clerk.

Section 4. A copy of this ordinance appointing the city clerk as the City's agent to accept claims for damages and establishing the hours during which the clerk's office will be open for claims filing shall be filed with the King County Auditor.

Section 5. This Ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 4th day of March, 2002, and signed in authentication of its passage this 4th day of March, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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